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December 4, 2006

Mr. Tom Loranger
Program Manager
State of Washington Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

Re: Lake Tapps Task Force Comments Regarding Draft Report of Examination for Water Right Application No. S2-29934

Dear Mr. Loranger:

The Lake Tapps Task Force ("Task Force") appreciates the opportunity to review and provide comments regarding the above-referenced draft Report of Examination ("ROE"). The Task Force is also appreciative of the time and the effort the Department of Ecology ("Ecology") has spent working with the Task Force to assist us in our review of this document. You have personally been very generous in making your time and resources available to us and we are most grateful. The draft ROE is a significant milestone along the path toward finding a lasting solution that preserves Lake Tapps in a manner that is consistent with the interests of all members of the Task Force.

As you know, the Task Force has formed over six years ago. The Task Force is comprised of citizens, representatives of federal, state, tribal and local governments, environmental groups, Cascade Water Alliance and Puget Sound Energy. The Task Force has worked diligently to identify and pursue options that advance the goal of preserving Lake Tapps. One such option was to seek a municipal water right that could provide an economic platform to maintain and enhance the lake, not only for the near term, but for generations to come. We would be remiss, however, to imply to Ecology that a municipal water right on any terms is consistent with the goals and expectations of the Task Force.. This option—just like every other option that has been forwarded by the Task Force—must be fair to all parties concerned.

In this regard, we believe that a better balancing of the interests of water supply, the fishery and recreation can be achieved. To this end, we recommend that the ROE be modified to address the following recommendations:

- **Eliminate the requirements for a MIF Compliant Diversion (§ 5.3.6 of the ROE).** While we understand the water quality benefit that Ecology sought to obtain by imposing this requirement, we believe that a sufficient benefit will be provided by the minimum instream flows set forth in the ROE and by the recreational and beneficial other uses that are dependent upon lake levels.



- **Determine minimum instream flow compliance at a point in the White River that is downstream from the point where flows through the fish screens are returned to the White River.** This is an important clarification that accounts for these return flows. For example, assuming a 500 cfs minimum flow requirement in the White River, 480 cfs of this minimum flow could be released from the diversion dam, with the remainder provided by return flow (assuming the return flow amounts to at least 20 cfs). This approach to monitoring White River minimum flow compliance is consistent with NOAA Fisheries guidance. This compliance point and the related assumptions regarding its implementation should be specifically called out in the ROE as an element of the stream flow monitoring requirements set forth in § 5.3.20.

- **Determine instream flow compliance within an operational tolerance of plus/minus 5 percent.** As with the previous recommendation, this clarification takes into account the fact that natural river fluctuations and equipment limitations make it impossible to constantly operate at a precise minimum instream flow. A plus/minus five percent tolerance is conservative, and as equipment is improved over time, it is a reasonable tolerance. This operational tolerance should also be specifically called out in the ROE as an element of the stream flow monitoring requirements set forth in § 5.3.20.

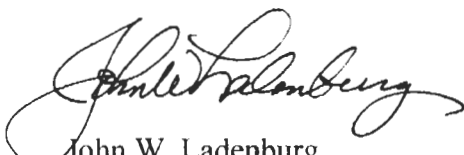
We understand that Ecology must carefully consider and assess these recommendations before they can be incorporated in a final ROE. We are asking that these recommendations be so considered and will continue to support this effort in any way we can.

In making these recommendations, the Lake Tapps Community and Cascade Water Alliance anticipate that they will address other concerns in future modifications to the Reservoir Management Agreement. Certain principles to guide any amendments are under discussion between the Community and the Alliance, and are expected to include, among other things, a mechanism to help reconcile the public interest in water supply and the public interest in recreation resources by linking the probability of lake levels falling below Normal Full Pool as one of the factors considered in determining the appropriate stage of shortage response

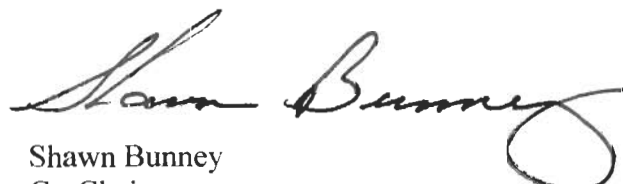
Pierce County is in discussions with the Puyallup Tribe of Indians regarding the tribe's interest in commitments to further resource and recreational enhancements. We are optimistic about the progress that is being made in these discussions.

Thank you again for the opportunity to comment on the ROE. If you would like to discuss our comments further, we stand ready to help and encourage you to contact Ginny Ratliffe at Agreement Dynamics.

Very truly yours,



John W. Ladenburg
Co-Chair



Shawn Bunney
Co-Chair